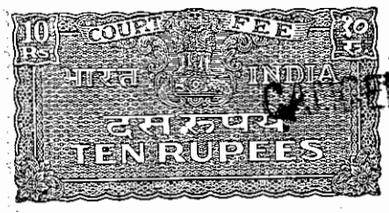
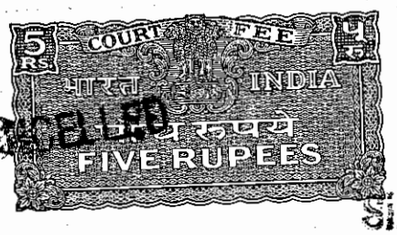


CANCELLED



CANCELLED

(3)

Single Bench

BEFORE THE HONOURABLE HIGH COURT OF CHHATTISGARH
AT BILASPUR

CRIMINAL APPEAL NO. 764 /2005

APPELLANT/ DEFENDANT

Rajendra Shankar Shukla, aged about 63 years, son of Shri Ramawatar Shukla, Advocate, Resident of Malviya Road, Raipur, Chhattisgarh.

VERSUS

RESPONDENTS/ PLAINTIFFS

1. Balramdas, aged about 13 years
2. Harish Kumar aged about 8 years
   Both sons of Bishandas Bajaj, Minors, through – guardian ad-litum father Bishandas, son of Melumal Bajaj, residents of Tikarapara, Raipur.
3. Bishandas, aged about 55 years, son of Melumal Bajaj, Businessman, resident of Tikarapara, Raipur (Chhattisgarh)
4. Ghanshyamdas, aged about 65 years, son of Shri Kanhaiyalal Agrawal,
5. Smt Shanti Devi, aged about 65 years, wife of Shri Ghanshyam Das Agrawal.

   Respondents No.4 and 5 are resident of Qtr No. B-3, Ravi Nagar, Raipur (Chhattisgarh)

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(A)

6. The State of Chhattisgarh, through –
the District Collector, Raipur (CG)

CRIMINAL APPEAL UNDER SECTION 341 OF THE CRIMINAL PROCEDURE CODE, 1973

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... Cr A. 764/05 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

14/11/2005

Shri G.S. Agrawal, Senior Advocate with Shri K.R.Nair, learned counsel for the appellant.

Shri Sudhir Bajpayee, Panel Lawyer for the State.

Heard on admission.

This appeal has been filed under Section 341 of the Code of Criminal Procedure against the order of rejection of an application under Section 340 of the Cr.P.C. filed before the trial Court in Civil Suit No.3-A/2001.

The contention of learned counsel for the appellant is that two false affidavits marked as Annexure A-4 and A-5 were filed by the deponents before the Civil Court and when an application in relation to these affidavits were made, the application was rejected.

Learned counsel for the appellant submits that when an enquiry was made from their end from the Sarpanch of the village about the contents of these affidavits, which is about cultivation of certain agricultural land, then the Sarpanch told them that these persons are not the residents of that village in which the agricultural lands are situated. On this ground only, the application under Section 340 of the Cr.P.C. was filed before the Trial Court and the same was rejected.

In the facts and circumstances of this case, I do not find any merit in this appeal and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

SP/FS/2005 - 20,000